

LAND ACQUISITION AT SLEEPING BEAR DUNES
NATIONAL LAKESHORE, MICH.

MAY 1 (legislative day APRIL 30), 1984.—Ordered to be printed

Mr. McClure, from the Committee on Energy and Natural Resources,
submitted the following

R E P O R T

[To accompany S. 1868]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1868) to add \$17,996,558 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore, having considered the same, reports favorably thereon without amendments and an amendment to the title and recommends that the bill as amended do pass.

The amendments are as follows:

1. On page 1, line 6, after (Public Law 91-479; 16 U.S.C. 460X-14), delete "is" and insert in lieu thereof "as amended, is further".
2. On page 1, line 7, delete "\$66,153,000" and insert in lieu thereof "\$82,149,558".
3. Amend the title so as to read:

A bill to add \$2,000,000 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore.

PURPOSE

The purpose of S. 1868, as reported, is to increase the land acquisition authorization ceiling at Sleeping Bear Dunes National Lakeshore, Mich., by \$2,000,000.

BACKGROUND AND NEED

Since the introduction of S. 1868, Congress in Public Law 98-141 increased the ceiling on appropriations for land acquisition at Sleeping Bear Dunes National Lakeshore, Mich., from \$66,153,000 to \$82,149,558.

There is a tract of approximately 265 acres remaining to be acquired to complete public ownership within the lakeshore. The owner of the parcel is anxious to convey the tract to the United States, citing financial hardship since he is effectively prohibited from developing the property. The National Park Service has not made any appraisal of the properties remaining to be acquired. The new ceiling set by S. 1868 is \$84,149,558 an increase of \$2,000,000 over the presently authorized level.

LEGISLATIVE HISTORY

S. 1868 was introduced by Senator Riegle (for himself and Senator Levin) on September 21, 1983. A hearing on S. 1868 was held on October 6, 1983, before the Subcommittee on Public Lands and Reserved Water. The administration does not support an increase in the present authorized level.

At an open business session on April 25, 1984, the Committee on Energy and Natural Resources ordered S. 1868 favorably reported with amendments to text and title.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on April 25, 1984, by unanimous vote of a quorum present recommends that the Senate pass S. 1868, if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas and 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield ¹	
Mr. Domenici ¹	
Mr. Wallop ¹	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Chafee ¹	
Mr. Evans	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum	
Mr. Matsunaga ¹	
Mr. Melcher	
Mr. Bradley	
Mr. Levin ¹	

¹ Indicates voted by proxy.

COMMITTEE AMENDMENTS

The committee amendments to S. 1868 are technical in nature and were made to reflect changes necessitated by congressional action in Public Law 98-141, which authorized a \$15,996,558 addition to the previous budget ceiling.

The first amendment adopted by the committee is to correct the language to accurately portray that the original authorization (Public Law 91-479) has been amended previously.

The second committee amendment reflects the budget ceiling as authorized in the most recent legislation, Public Law 98-141, which was enacted after S. 1868 was introduced.

The third amendment changes the title, again to more accurately reflect the true budget ceiling needed to complete acquisition on the lakeshore following enactment of Public Law 98-141 which raised the authorized ceiling to \$82,149,558.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 27, 1984.

Hon. JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1868, a bill to add \$2,000,000 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

APRIL 27, 1984.

1. Bill number: S. 1868.
2. Bill title: A bill to add \$2,000,000 to the budget ceiling for new acquisitions at Sleeping Bar Dunes National Lakeshore.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, April 25, 1984.
4. Bill purpose: S. 1868 raises the authorization ceiling for land acquisition at Sleeping Bear from \$82 million to \$84 million in order

to provide for the purchase of an additional parcel of land. As of the end of fiscal year 1984 approximately \$64 million will have been appropriated for Sleeping Bear. The President's 1985 budget request contains \$7.9 million for Sleeping Bear for the payment of condemnation awards.

5. Estimated cost to the Federal Government.

Authorization level:

Fiscal year:	Millions
1985 -----	\$2
1986 -----	
1987 -----	
1988 -----	
1989 -----	

Estimated outlays:

Fiscal year:	Millions
1985 -----	2
1986 -----	
1987 -----	
1988 -----	
1989 -----	

The cost of this bill fall within budget function 300.

Basis of estimate: For purposes of this estimate, it is assumed that S. 1868 will be enacted by June 1984. It is further assumed that the entire \$2 million will be appropriated prior to the beginning of fiscal year 1985 and that the Department of the Interior will purchase the additional parcel of land during the year.

6. Estimated cost to State and local governments: None.

7. Estimated comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deb Reis.

10. Estimated approved by: C. G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11 (b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1868. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1868 as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the committee from the Department of the Interior setting forth executive agency recommendations relating to S. 1868 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 11, 1984.

HON. JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 1868, a bill "To add \$17,996,558 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore."

We do not recommend the enactment of this legislation.

S. 1868 would increase the ceiling on appropriations for land acquisition at Sleeping Bear Dunes National Lakeshore, Mich., from \$66,153,000 to \$84,149,558, an increase of \$17,996,558. We are requesting an increase of only \$15,996,558, however, in order to cover our appropriation request in the President's budget. We would support, therefore, a new ceiling for Sleeping Bear Dunes of \$82,149,558 but we could not support S. 1868, which authorizes \$2 million over and above that figure. Moreover, for the last two fiscal years (fiscal year 1983 and fiscal year 1984) the Congress has deleted from the President's budget request a total of \$20.4 million for anticipated court awards for land acquisition at Sleeping Bear Dunes. To authorize an additional \$2 million therefore seems inconsistent.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. CRAIG POTTER,
Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1868 as ordered reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

PUBLIC LAW 91-479 (84 STAT. 1075), SEC. 15 OF THE ACT OF OCTOBER 21, 1970, AS AMENDED BY PUBLIC LAW 97-361 (96 STAT. 1724)—OCTOBER 22, 1982; AND BY PUBLIC LAW 98-141 (97 STAT. 909)—OCTOBER 31, 1983

AN ACT To establish in the State of Michigan, the Sleeping Bear Dunes National Lakeshore, and for other purposes

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SEC. 15. There are authorized to be appropriated not more than **[\$82,149,000]** *\$84,149,558* for the acquisition of lands and interests in lands and not more than \$18,769,000 (June 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

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